Notifications of Ministry of Law, Justice and Company Affairs

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI): Sir, I lay on the Table, under sub-section (3) section 642 of the Companies Act, 1956 a copy each (in English and Hindi) of the following notifications of the Ministry of Law, Justice and Company Affairs.

(i) G.S.R: 16(E), dated January 6, 1999 publishing the Companies (Central Government's General Rules and Forms) (Amendment) Rules, 1999.

(ii) G.S.R. 17(E), dated January 6, 1999 publishing the Companies (Issue of Share Certificates) (Amendment) Rules, 1999.

(Placed in Library, for (i) and (ii) *See* No. LT-274S99)

I. Report and Accounts (1997-98) of Erstwhile Bombay Dock Labour Board and related papers.

II. Report (1997-88) of various Port Trusts and eclated papers.

III. Accounts (1997-98) of various Port Trusts and related papers.

IV. Notification of Ministry of Surface Transport

THE MINISTER OF STATE IN THE MINISTRY OF SURFACE TRANSPORT (DR. DEBENDRA PRADHAN): Sir, I lay on the Table—

I (1). A copy each (in English and Hindi) of the following papers, under section 5E of the Dock Workers (Regulation of Employment) Act, 1948:—

(a) Forty-seventh Annual Administration Report and Accounts of the Erstwhile Bombay Dock Labour Board, for the year 1997-98, together with the Audit Report on the Accounts.

(b) Review by Government on the working of the above Board.

(2) Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above. (Placed in Library, *See* No. LT-266099)

II. (1) A copy each (in English and Hindi) of the following papers, under section 106 of the Major Port Trust Act, 1963:—

(i) (a) Hundred and nineteenth Annual Administration Report of the Mumbai Port Trust, for the year 1997-98.

(b) Review by Government on the working of the above Port Trust. (Placed in Library, *See* No. LT-230S99)

(ii) (a) Annual Administration Report of the Cochin Port Trust, for the year 1997-98.

(b) Review by Government on the working of the above Port Trust.

(2) Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above. (Placed in Library, *See* No. LT-249699)

III. (1) A copy each (in English and Hindi) of the following papers, under sub-section (2) of section 103 of the Major Port Trust Act, 1963:—

(i) (a) Annual Accounts of the Jawaharlal Nehru Port Trust, Navi Mumbai, for the year 3997-98, and the Audit Report thereon.

(b) Review by Government on the working of the above Accounts. (Placed in Library, *See* No. LT-2494/99)

(ii) (a) Annual Accounts of the Mumbai Port Trust, for the year 1997-98, and the Audit Report thereon.

(b) Review by Government on the working of the above Accounts.

(2) Statements (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above. (Placed in Library, *See* No. LT-2495/99)

IV. A copy (in English and Hindi) of the Ministry of Surface Transport Notification G.S.R. 774(E), dated December 28, 1998 publishing the Merchant Shipping (Registration of Indian Fishing Boats) Amendment Rules, 1998, under, sub-section (3) of section 458 of the Merchant Shipping Act, 1958.

(Placed in Library, *See* No. LT-2659/99)

MR. CHAIRMAN: Shri Kabindra Purkayastha, before you lay the Papers, Mr. Salim wants to say something.

SHRI MD. SALIM (West Bengal):. Sir, Mr. Kabindra Purkayastha is going to lay the Papers under Section 37 of the Telecom Regulatory Authority of India Act, 1997 (TRAI). It is already in the media. Sir, I draw your attention to item No. 4(1). Sir, this is a notification, dated December 2, 1997, issued by the previous Government. Now, it is March 1999. After more than two years and three months, the Minister is coming to lay a Paper regarding the Telecom Regulatory Authority of India (Salaries, Allowances and Conditions of Service of Chairperson and other Members) Rules, 1997, along with an explanatory memorandum. The notification is dated December 2, 1997. The CAG has already pointed out that, disregarding the provisions of the Act, they have enjoyed the facilities. The Act itself says—I am quoting from the Act:—

"Every rule and regulation made under the Act shall be laid, as soon as it is made, before each House of the Parliament."

The same Act says:—

"However, any such modifications shall be without prejudice to the validity of anything previously done under that rule."

Sir, the rules were framed or drafted in January, 1997. How does the Executive compel us to give a *post facto* sanction? It went to the CAG. The CAG has made its observations. The Government has to take action. Now, they are coming to the Parliament with a notification to just fulfil the formalities. Sir, here, I have an objection. How is he going to lay the Papers without a statement explaining the reasons for delay?

SHRI PRANAB MUKHERJEE (West Bengal): Sir, in the Order Paper, it is mentioned that a statement explaining the reasons for delay is also laid on the Table of the House. Therefore, the compliance of that rule is also needed.

THE MINISTER OF COMMUNICATIONS (SHRI JAGMOHAN): Sir, the point relates to the reasons for delay. I will definitely look into this and make a statement here. Sir, these are the rules which have been formulated now. Although the Act says "1997", it is notified now. But I assure you that I will look into this and I will make the position very clear to you for old records are not with me at present.

So far as the CAG's observations and other points are concerned, as I have already assured you, they will be looked into, and we will take action according to the rules.

SHRI MD. SALIM: Sir, it cannot be laid. ...*(interruptions)*... Sir, it was framed in December, 1997. It is dated December 2, 1997. They have to give the reasons why it was held back from the Parliament.

SHRI JAGMOHAN: I will give you the reasons.

SHRI PREM CHAND GUPTA (Bihar): They have already availed of 500 dollars per day. Is it justified? ...*(interruptions)*... Can this nation afford that? I request the hon. Minister to carefully look into the policy-framework of TRAI

and their entitlement; otherwise, these people are going to put the entire system in a mess. Why should it not be 250 dollars per day?

MR. CHAIRMAN: That is a different question.

SHRI PREM CHAND GUPTA: Why can't they make half of that?

MR. CHAIRMAN: That is all right.

SHRI JAGMOHAN: Sir, the provisions of the Act and the Government rules and regulations, which are applicable to them—these are the conditions of service—will be enforced, and if there is any deviation from those rules, action would be taken to ensure that they fall within the ambit of the rules. If anybody has done anything wrong, we will look into that. I have seen that ...*(interruptions)*

SHRI NILOTPAL BASU (West Bengal): The question is not unrelated. According to the Act itself, the Government has to produce here the Audited Accounts of TRAI along with the CAG's adverse notings on their accounts which are there. That stipulation is also there. I think it has also been overlooked.

SHRI JAGMOHAN: Sir, what Salim Sahib is referring to is, probably, some Press-report appearing today. This is . based on the note of the Director-General of Post and Audit. They have pointed out certain irregularities committed by the memebrs of this telecom authority. I am giving you an assurance that those irregularities will be looked into. If they have done something over and above the rules which are now applicable, if the rules have not been notified,—there were certain rules earlier available—, under the Act they cannot go beyond the provisions of the Act. therefore, this will be looked into, and we will take the House into confidence. There is nothing that we don't want to do or hide. We will be very transparent.

SHRI PREM CHAND GUPTA: Members of TRAI ... *(interruptions)*

MR. CHAIRMAN: This is not the issue now. The basic question is that the explanation was not given along with it. I think he may lay it and give the explanation later on.

Notifications of Ministry of Communications

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS . (SHRI KABINDRA PURKAYASTHA): Sir, I lay on the Table, under Section 37 of the Telecom Regulatory Authority of India Act, 1997 a copy each (in English and Hindi) of the following notifications of the Ministry of Communications.

(i) G.S.R. 683(E), dated December 2, 1997 publishing the Telecom Regulatory Authority of India (Salaries, Allowances and Condi tions of Service of Chairperson and other Members) Rules, 1997 along with explanatory memorandum.

(ii) G.S.R. 80(E), dated February 10, 1999 publishing the Telecom Regulatory Authority of India (Annual Report and Returns) Rules, 1999.

(iii) G.S.R. 72(E), dated February 8, 1999 publishing the Telecom Regulatory Authority of India (Period for Filing of Application to Authority) Rules, 1999. (Placed in Library, for (i) to (iii) *See* No. LT-266399)

I. Report and Accounts (1997-98) of the Small Industries Development Bank of India, Lucknow and related papers.

II. Report and Accounts (1997-98) of the Industrial Development Bank of India, Mumbai and related papers.

'III. Consolidated report (1996-97) on the working of public sector Banks.